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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/008,491 | 11/13/2001 | Christopher J. Feola | 45003-45USPT | 5649 |

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| EXAMINER |
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SALL, EL HADJI MALICK

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| ART UNIT | PAPER NUMBER |
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2157

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 02/21/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/008,491

Applicant(s)

FEOLA ET AL.

Examiner

El Hadji M. Sall

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-19, 22 and 38-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-19, 22 and 38-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the amendment filed on November 24, 2006. Claims 1, 2, 17 and 19 are amended. Claims 2, 24 and 35-37 are cancelled. Claims 38-40 are added. Claims 1, 2, 4-19, 22 and 38-40 are pending. Claims 1, 2, 4-19, 22 and 38-40 represent content operating system.

2. ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-19, 22, 24 and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tso et al. 6,421,733 in view of Kent U.S. 20020040374.

Tso teaches the invention substantially as claimed including system for dynamically transcoding data transmitted between computers (see abstract).

As to claims 1, 17 and 38, Tso teaches a system and method for providing content for distribution over channels to a plurality of different types of channels, said system and said method comprising:

a content object including the content to be provided over the plurality of different channels (column 3, lines 10-14; column 9, lines 34-39, Tso discloses a web site, which users from a particular region can access to (i.e. inherently "over the plurality of different channels"));

at least one container object operable to receive said content object and template the prepared content to meet a certain publishing environment specified by a publisher of the content (column 7, line 60 to column 8, line 4); and

a communication system for communicating the prepared and templated and content objects over the first and second channels to the certain publishing terminals connected thereto (figure 3, item 34).

Tso fails to teach explicitly a plurality of rule objects to apply rules to said content object to prepare the content in a first way both for communication over an Internet channel to an Internet terminal and for publication by the Internet terminal connected to the Internet channel and prepare the content in a second way both for communication over a non-Internet channel to a non-internet terminal and for publication by the non-Internet terminal connected to the non-Internet channel.

However, Kent teaches method for personalizing and customizing publications and customized publications produced thereby. Kent teaches a plurality of rule objects to apply rules to said content object to prepare the content in a first way both for communication over an Internet channel to an Internet terminal and for publication by the Internet terminal connected to the Internet channel and prepare the content in a second way both for communication over a non-Internet channel to a non-internet terminal and for publication by the non-Internet terminal connected to the non-Internet channel (figure 1, Kent discloses an Internet channel (i.e. item 14, an internet terminals, items 10 and 15, a non-Internet channels, items 17 and 30, and a non-Internet channel, item 34); figure 5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Tso in view of Kent to provide a plurality of rule objects to apply rules to said content object to prepare the content in a first way both for communication over an Internet channel to an Internet terminal and for publication by the Internet terminal connected to the Internet channel and prepare the content in a second way both for communication over a non-Internet channel to a non-internet terminal and for publication by the non-Internet terminal connected to the non-Internet channel (figure 1, Kent discloses an Internet channel. One would be motivated to do so to allow production of customized magazine (page 3, [0036])).

As to claims 2 and 40, Tso teaches the system according to claims 1 and 38.

Tso fails to teach explicitly the non-Internet channels include at least one of a video channel and a print channel.

However, Kent teaches explicitly the non-Internet channels include at least one of a video channel and a print channel (figure 1, item 17 (i.e. video channel), item 30 (i.e. print channel), and item 15 (i.e. video display terminal)).

As to claim 4, Tso teaches the system according to claim 1, wherein said content object includes at least one of the following: text, graphics, image, video and sound (column 4, lines 51-54).

As to claim 5, Tso teaches the system according to claim 1, wherein each rule object includes at least one rule distinct from other rule objects (column 6, lines 64-67).

As to claim 6, Tso teaches the system according to claim 5, wherein the at least one distinct rule is based on a specific channel for which the associated rule object is associated (column 7, lines 4-7).

As to claim 7, Tso teaches the system according to claim 5, wherein the at least one distinct rule is based on a specific terminal for which the associated rule object is associated (column 7, lines 7-12)

As to claim 8, Tso teaches the system according to claim 5, further comprising a channel object operable to receive said content object as prepared by said container object (figure 1).

As to claim 9, Tso teaches the system according to claim 8, wherein said channel object defines a channel of distribution over the network (figure 3).

As to claim 10, Tso teaches the system according to claim 8, wherein said channel object includes at least one of the following channels: Internet, wireless, cellular, and satellite (figure 1, item 18).

As to claim 11, Tso teaches the system according to claim 8, wherein the at least one rule defines a process for which said content object is subject to for distribution over a particular channel (column 8, lines 4-9; column 12, line 67 to column 13, line 11).

As to claim 12, Tso teaches the system according to claim 11, wherein the process includes reducing the amount of data to be distributed (column 8, lines 22-26).

As to claim 13, Tso teaches the system according to claim 11, wherein the particular channel is predetermined by said content publisher (column 3, lines 14-17).

As to claim 14, Tso teaches the system according to claim 8, further comprising a directory lookup service for assigning said content object to at least one rule and at least one container object (column 10, lines 16-27).

As to claim 15, Tso teaches the system according to claim 9, further comprising an object broker (figure 3, item 34).

As to claim 16, Tso teaches the system according to claim 8, wherein the preparation by the at least one container object includes applying a template to said content object for display (column 7, line 60 to column 8, line 4).

As to claims 18 and 35, Tso teaches the method and system according to claims 17 and 24., further comprising distributing the content having the at least one rule and data element being applied thereto over the distribution channel of the network (column 7, line 60 to column 8, line 4).

As to claims 19 and 39, Tso teaches the method and the system according to claims 17 and 38.

Tso fails to teach explicitly the non-Internet channel is a newspaper print publication channel and the non-Internet terminal is a newspaper printer.

However, Kent teaches the non-Internet channel is a newspaper print publication channel and the non-Internet terminal is a newspaper printer (figure 1, item, item 30 (i.e. "print publication channel", and item 34 (i.e. "newspaper printer").

It would have been obvious to one of ordinary skill in the art to combine Tso in view of Kent to provide the non-Internet channel is a newspaper print publication channel and the non-Internet terminal is a newspaper printer. One would be motivated to do so to allow intranet network.

As to claim 22, Tso teaches the method according to claim 17, wherein the content includes more than one of the following: text, graphics, image, video, and audio (column 3, lines 51-54).

4. *Response to Arguments*

Applicant's arguments with respect to claims 1, 2, 4-19, 22 and 38-40 have been considered but are moot in view of the new ground(s) of rejection.

5. Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to El Hadji M Sall whose telephone number is 571-272-4010. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.


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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

El Hadji Sall

Patent Examiner

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